

By John Lilburne

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Foundations of Freedom;
OR AN
15
AGREEMENT
OF THE
PEOPLE:

Proposed as a Rule for future Government in the Establishment of a firm and lasting P E A C E.

Drawn up by several well-affected Persons, and rendered to the Consideration of the general Council of the Army; and now offered to the Consideration of all Persons who are at Liberty, by Printing, or otherwise, to give their Reasons for, or against it.

Unto which is annexed several Grievances by some Persons, offered to be inserted in the said Agreement, but adjudged only necessary to be insisted on, as fit to be removed by the next Representatives.

Published for the Satisfaction of all honest Interests. 1648.



The Publisher to the Judicious Reader.

Dear Countryman,

THis Agreement having had its conception for a common good, as being that which contains those Foundations of Freedom, and Rules of Government, adjudged necessary to be established in this Nation for the future, by which all sorts of men are to be bound, I adjudged it a just and reasonable thing to publish it to the view of the Nation, to the end that all men might have an opportunity to consider the Equity thereof, and offer their Reasons against any thing therein contained, before it be concluded; That being agreeable to that Principle which we profess, viz. to do unto you, as we would all men should do unto us; not doubting but that the Justice of it will be maintained and cleared, maugre the opposition of the stoutest Calumniator, especially in those clear points in the Reserve so much already controverted, viz. touching the Magistrates power to compel or restrain in matters of Religion, and the exercise of an arbitrary power in the Representative, to punish men for state offences, against which no Law hath provided; which two things especially are so clear to my understanding, that I dare with confidence aver, That no man can demand the exercise of such a power, but he that intends to be a Tyrant, nor no man part with them, but he that resolves to be a slave. And so at present I rest,

Friday, Decemb.
10. 1648.

Thy true-hearted
Countryman.

AN



AN
 AGREEMENT
 Of the PEOPLE of
 ENGLAND,
 And the places therewith
 INCORPORATED;
 For a firm and present
 PEACE,
 Vpon Grounds of *Common Right*
 and *Freedom*.

HAVING by our late labors and hazards made it appear to the world, at how high a rate we value our just Freedoms, and God having so far owned our cause, as to deliver the enemies thereof into our hands, we do now hold our selves bound, in mutual duty to each other, to take

take the best care we can for the future to avoid both the danger of returning into a slavish condition, and the chargeable remedy of another War: For as it cannot be imagined that so many of our Countrymen would have opposed us in this quarrel, if they had understood their own good, so may we safely promise to our selves, that when our common Rights and Liberties shall be cleared, their endeavors will be disappointed, that seek to make themselves our Masters: Since therefore our former oppressions, and not yet ended troubles have been occasioned, either by want of frequent national meetings in Council, or by the undue or unequal constitution thereof, or by rendring those meetings ineffectual; we are fully agreed and resolved to provide, that hereafter our Representatives be neither left for uncertainty for time, nor be unequally constituted, nor made useless to the end for which they are intended.

In order whereunto we declare and agree,

1. That to prevent the many inconveniences apparently arising from the long continuance of the same persons in authority, this present Parliament be dissolved upon or before the last day of *April*, in the year of our Lord 1649.

2. That the people of *England* being at this day very unequally distributed, by Counties, Cities, or Burroughs, for the election of their Representatives, be more indifferently proportioned, and to this end, That the Representative of the whole Nation, shall consist of 300 Persons; and in each County, and the places thereto subjoyned, there shall be chosen to make up the said Representative at all times, the several numbers hereunder mentioned.

viz.

<p>The County of <i>Kent</i>, with the City of <i>Rochester</i>, and the Burroughs, Town, and Parishes therein The City of <i>Canterbury</i></p>	<p>II I</p>	<p>The County of <i>Sussex</i>, with the City, Burroughs, Towns, and Parishes therein The County Town of <i>South-</i> <i>ampton</i> The</p>	<p>7 I</p>
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The County of *Southampton*,
 with the Burroughs, Towns,
 and Parishes therein 6
 The County of *Dorset*, with
 the Town of *Poole*, and all o-
 ther Burroughs, Towns, and
 Parishes therein 6
 The City of *Exeter* 2
 The County of *Devon*, with the
 Burroughs, Towns, and
 Parishes therein, except *Ply-*
mouthe 11
 The Town of *Plymouth* 1
 The County of *Cornwall*, with
 the Burroughs, Towns, and
 Parishes therein 6
 The City of *Bristol* 2
 The County of *Somerset*, with
 the Cities of *Bath* and *Wells*,
 and the Burroughs, Towns,
 and Parishes therein, except
Taunton 8
 The Town of *Taunton* 1
 The City of *Salisbury* 1
 The County of *Wilts*, with the
 Burroughs, Towns, and
 Parishes therein 7
 The County of *Berks*, with the
 Burroughs, Towns, and
 Parishes therein, except *Read-*
ing 6
 The Town of *Reading* 1
 The County of *Surrey*, with
 all the Burroughs, Towns, and
 Parishes therein, except *South-*
mark 5
 The Burrough of *Southmark* 2
 The City of *London* 8

The City of *Westminster* 1
 The County of *Middlesex*,
 with the Towns and Parishes
 therein 7
 The County of *Hartford*, with
 the Burroughs, Towns, and
 Parishes therein 8
 The County of *Buckingham*,
 with the Burroughs, Towns,
 and Parishes therein 8
 The City of *Oxon* 1
 The University of *Oxon* 1
 The County of *Oxford*, with the
 Burroughs, Towns, and
 Parishes therein 4
 The City of *Glocester* 1
 The County of *Glocester*, with
 the Burroughs, Towns, and
 Parishes therein 7
 The City of *Hereford* 1
 The County of *Hereford*, with
 the Burroughs, Towns, and
 Parishes therein 4
 The City of *Worcester* 1
 The County of *Worcester*, with
 the Towns, Burroughs, and
 Parishes therein 5
 The City of *Coventry* 1
 The County of *Warwick*, with
 the Burroughs, Towns, and
 Parishes therein 5
 The Town of *Northampton* 1
 The County of *Northampton*,
 with the Burroughs, Towns,
 and Parishes therein 5
 The County of *Bedford*, with
 the Burroughs, Towns, and
 Parishes 3

Parishes therein	5	Burroughs, Towns, and	
The University of <i>Cambridg</i>	1	Parishes therein	6
The Town of <i>Cambridg</i>	1	The County of <i>Stafford</i> , with	
The County of <i>Cambridg</i> , with		the City of <i>Liechfield</i> , and	
the Burroughs, Towns, and		the Burroughs, Towns, and	
Parishes therein	4	Parishes therein	5
The County of <i>Essex</i> , with the		The County of <i>Salop</i> , with the	
Burroughs, Towns, and		Burroughs, Towns, and	
Parishes therein, except <i>Col-</i>		Parishes therein	5
<i>chester</i>	10	The Town of <i>Shrewsbury</i>	1
The Town of <i>Colchester</i>	1	The City of <i>Chester</i>	2
The County of <i>Suffolk</i> , with		The County of <i>Chester</i> , with	
the Burroughs, Towns, and		the Burroughs, Towns, and	
Parishes therein, except <i>Ip-</i>		Parishes therein	4
<i>swich</i>	10	The County of <i>Lancaster</i> , with	
The Town of <i>Ipswich</i>	1	the Burroughs, Towns, and	
The City of <i>Normich</i>	2	Parishes therein	7
The County of <i>Norfolk</i> , with		The City of <i>York</i>	2
the Burroughs, Towns, and		The Town of <i>Kingston upon</i>	
Parishes therein	9	<i>Hull</i>	1
The County of <i>Lincoln</i> , with		The County of <i>York</i> , with the	
the City, Burroughs, Towns,		Burroughs, Towns, and	
and Parishes therein	11	Parishes therein	13
The County of <i>Rutland</i> , with		The County of <i>Durham</i> , with	
the Burroughs, Towns, and		the City of <i>Durham</i> , and	
Parishes therein	2	the Burroughs, Towns, and	
The County of <i>Huntington</i> ,		Parishes therein	3
with the Burroughs, Towns,		The Town of <i>Newcastle</i>	1
and Parishes therein	3	The Town of <i>Berwick</i>	1
The Burrough of <i>Leicester</i>	1	The County of <i>Northumber-</i>	
The County of <i>Leicester</i> , with		<i>land</i> , with the other Bur-	
other Burroughs, Towns, and		roughs, Towns, and Parishes	
Parishes therein	5	therein	2
The County of <i>Nottingham</i> ,		The County of <i>Cumberland</i> ,	
with Burroughs, Towns, and		with the Burroughs, Towns,	
Parishes therein	5	and Parishes therein	2
The County of <i>Darby</i> , with the		The County of <i>Westmerland</i> ,	
		with	

with the Burroughs, Towns, and Parishes therein	2	The County of <i>Flint</i> , with the Burroughs, and Parishes therein	1
The County of <i>Anglesey</i> , with the Burroughs, Towns, and Parishes therein	1	The County of <i>Mormoneth</i> , with the Burroughs, and Parishes therein	3
The County of <i>Brecknock</i> , with the Burroughs, Towns, and Parishes therein	2	The County of <i>Clamorgan</i> , with the Burroughs, and Parishes therein	2
The County of <i>Cardigan</i> , with the Burroughs, Towns, and Parishes therein	2	The County of <i>Merioneth</i> , with the Burroughs, and Parishes therein	1
The County of <i>Carmarthen</i> , with the Burroughs, Towns, and Parishes therein	1	The County of <i>Montgomery</i> , with the Burroughs, and Parishes therein	2
The County of <i>Carnarven</i> , with the Burroughs, Towns, and Parishes therein	1	The County of <i>Radwal</i> , with the Burroughs, and Parishes therein	1
The County of <i>Denbigh</i> , with the Burroughs, and Parishes therein	1	The County of <i>Pembrooke</i>	1
		In all	300

The maner of Elections.

1. **T**hat the Electors in every Division, shall be Natives or Denizons of *England*, such as have subscribed this Agreement; not persons receiving Alms, but such as are assessed ordinarily towards the relief of the poor; not servants to, or receiving wages from any particular person. And in all Elections (except for the Universities) they shall be men of one and twenty years old, or upwards, and House-keepers, dwelling within the Division, for which the Election is; Provided, that until the end of seven yeers next ensuing the time herein limited, for the end of this present Parliament, no person shall be admitted to, or have any hand or voyce in such Elections, who have adhered to, or assisted the King against the Parliament in any of these Wars or Insurrections; or who shall make or joyn in, or abet any

any forcible opposition against this Agreement; and that such as shall not subscribe it before the time limited, for the end of this Parliament, shall not have Vote in the next Election; neither, if they subscribe afterwards, shall they have any voice in the Election next succeeding their subscription, unless their subscription were six months before the same.

2. That until the end of fourteen yeers, such persons, and such onely, may be elected for any Division, who by the rule aforesaid, are to have voice in Elections in one place or other; Provided, that of those, none shall be eligible for the first or second Representatives, who have not voluntarily assisted the Parliament against the King, either in person before the fourteenth of *June*, 1645. or else in Mony, Plate, Horse, or Arms, lent upon the Propositions before the end of *May*, 1643. or who have joyned in, or abbetted the Treasonable Engagement in *London*, in the year 1647. or who declared or engaged themselves for a Cessation of Arms with the *Scots*, who Invaded the Nation the last Summer, or for compliance with the Actors in any the Insurrections of the same Summer, or with the Prince of *Wales*, or his accomplices in the revolted Fleet.

3. That whoever, being by the Rules in the two next preceding Articles incapable of Election, or to be elected, shall assume to Vote in, or be present at such Elections for the first or second Representative, or being elected, shall presume to sit or Vote in either of the said Representatives, shall incur the pain of confiscation of the moyety of his estate, to the use of the Publike, in case he have any estate visible, to the value of fifty pounds. And if he have not such an estate, then he shall incur the pain of imprisonment for three months. And if any person shall forcibly oppose, molest, or hinder the people (capable of electing as aforesaid) in their quiet and free Election of their Representatives; then each person so offending, shall incur the pain of confiscation of his whole estate, both real and personal; and if he have not an estate, to the value of fifty pound, shall suffer imprisonment, during one whole year, without bayl or mainprife. Provided, that the offender in each such case be convicted within three months, next after the committing of his offence.

4. That

4. That for the more convenient Election of *Representatives*, each County, with the severall places thereto conjoynd, wherein more then three *Representatives* are to be chosen, shall be divided by a due proportion into so many parts, as each part may elect two, and no part above three *Representatives*. And for the making of these Divisions, two persons be chosen in every Hundred; Lath, or Wapentake, by the People therein (capable of electing as aforesaid) which People shall on the last Tuesday in February next between eleven and three of the Clock, be assembled together for that end at the chiefe Towne, or usuall meeting place in the same Hundred, Lath, or Wapentake; And that the persons in every Hundred, Lath or Wapentake so chosen, or the Major part of them, shall on the fourteenth day after their Election, meet at the Common Hall of the County-Towne, and divide the County into parts as aforesaid, and also appoint a certain place in each respective part or Division, wherein the People shall alwaies meet for the choice of their *Representatives*, and shall make Returnes of the said Divisions, and certain places of meeting therein, into the Parliament Records in writing under the hands and seales of the major part of them present: And also cause the same to be published in every Parish in the County before the end of March now next ensuing: And for the more equall Division of the City of *London*, for the choice of its *Representatives*, there shall one person be chosen by the People in every Parish in the said City (capable of Election as aforesaid) upon the last Tuesday in February aforesaid; on which day they shall assemble in each Parish for the same purpose, between two and four of the clock: And that the persons so chosen, or the major part of them, shall upon the fourteenth day after their Election, meet in the Guild Hall of the said City, and divide the same City into eight equall parts or Divisions, and appoint a certain place in every Division respectively, wherein the People of that Division shall alwaies meet for the choice of their *Representatives*, and shall make Returne thereof; and cause the same

B. *Bartholomew* same.

same to be published in the manner prescribed to the severall Counties, as in this Article.

5. That for the better provision for true and certain Returnes of persons elected, the chiefe publique Officer in every Division aforesaid, who shall be present at the beginning of the Election, and in absence of every such Officer, then any person eligible as aforesaid, whom the People at that time assembled shall choose for that end, shall regulate the Elections, and by Poll or otherwise clearly distinguish and judge thereof, and make true Returnes thereof, in writing indented under the hands and seales of himsele, and of six or more of the Electors, into the Parliaments Records, within one and twenty daies after the Election, and for default thereof, or for making any false Return, shall forfeit 100 l. to the publique use.

4. That one hundred and fifty Members at least be alwaies present in each sitting of the *Representatives*, at the passing of any Law, or doing of any Act whereby the People are to be bound.

5. That every *Representative* shall within twenty daies after their first meeting, appoint a Councell of State for the managing of publique affaires, untill the first day of the next *Representative*, and the same Councell to act and proceed therein, according to such instructions and limitations as the *Representatives* shall give, and not otherwise.

6. That to the end all Officers of State may be certainly accountable, and no Factions made to maintain corrupt interests, no Member of a Councell of State, nor any Officer of any salary Forces in Army or Garrison, nor any Treasurer or Receiver of publique moneys, shall (while such) be elected to be a *Representative*: And in case any such Election shall be, the same to be void; and in case any Lawyer shall be chosen of any *Representative*, or Councell of State, then he shall be incapable of practise as a Lawyer, during that trust.

7. That the power of the Peoples *Representatives* extend (without the consent or concurrence of any other person or persons) to the enacting, altering, repealing, and declaring of Lawes; to the erecting and abolishing Officers of Courts of Justice, and to what-

whatsoever is not in this *Agreement* excepted or reserved from them :

As particularly :

1. We do not empower our *Representatives* to continue in force, or make any Lawes, Oaths and Covenants, whereby to compell by penalties or otherwise, any person to any thing, in or about matters of Faith, Religion, or Gods Worship, or to restraine any person from the professing his Faith, or exercise of Religion, according to his Conscience, in any house or place (except such as are, or shall be set apart for the publique worship,) neverthelesse the instruction or directing of the Nation in a publique way, for the matters of Faith, Worship, or Discipline (so it be not compulsive or expresse Popery) is referred to their discretion.
2. We do not empower them to impresse or constrain any person to serve in Warre either by Sea or Land, every mans conscience being to be satisfied in the justnesse of that cause wherein he hazards his life.
3. That after the dissolution of this present Parliament, none of the people be at any time questioned for any thing said or done in reference to the late VVarres, or publique differences, otherwise then in execution or pursuance of the determination of the present House of Commons, against such as have adhered to the King or his interest against the People: And saving that Accomptants for publique moneys received, shall remain accomptable for the same.
4. That in any Lawes hereafter to be made, no person by vertue of any Tenure, Grant, Charter, Pattent, Degree or Birth, shall be priviledged from subjection thereto, or being bound thereby as well as others.
5. That all priviledges or exemptions of any persons from the Lawes, or from the ordinary course of legall proceedings, by vertue of any Tenure, Grant, Charter, Pattent, Degree or Birth, or of any place of residence or refuge, shall be henceforth void and null, and the like not to be made nor revived againe
6. That the *Representatives* intermeddle not with the execution

of Lawes, nor give judgement upon any mans person or estate, where no Law hath been before provided ; save only in calling to an accompt, and punishing publique Officers for abusing or failing their trust.

7. That no Member of any future *Representative* be made either Receiver, Treasurer or other Officer during that employment, saving to be a Member of the Councell of State.

8. That no *Representative* shall in any wise render up, or give, or take away any the foundations of Common Right, liberty or safety contained in this *Agreement*, nor shall levell mens estates, destroy propriety, or make all things common.

8. That the Councell of State, in case of imminent danger or extream necessity, may in each intervall, summon a *Representative* to be forthwith chosen, and to meet, so as the Sessions thereof continue not above forty daies, and so it dissolve two moneths before the appointed time for the meeting of the next *Representative*.

9. That all securities given by the publique Faith of the Nation, shall be made good by the next and all future *Representatives*, save that the next *Representative* may continue or make null in part or in whole, all gifts of moneys made by the present House of Commons to their own Members, or to any of the Lords, or to any of the Attendants of either of them.

10. That every Officer or Leader of any Forces in any present or future Army, or Garrison that shall resist the Orders of the next or any future *Representative*, (except such *Representative* shall expressly violate this *Agreement*) shall forthwith after his or their resistance, by vertue of this *Agreement*, loose the benefit and protection of all the Lawes of the Land, and die without mercy.

These things we declare to be essentiall to our just Freedomes, and to a through composure of our long and wofull distractions. And therefore we are agreed and resolved to maintain these certain Rules of Government, and all that joyne therein, with our utmost possibilities, against all opposition whatsoever.

These

These following Particulars were offered to be inserted in the *Agreement*, but adjudged fit, as the most eminent grievances to be redressed by the next *Representative*.

1. **I**T shall not be in their Power, to punish, or cause to be punished, any person or persons, for refusing to answer to Questions against themselves in criminal Cases.

2. That it shall not be in their Power, to continue or constitute any proceedings in Law, that shall be longer then three or four months, in finally determining of any Cause past all Appeal, or to continue the Laws (or proceedings therein) in any other Language, then in the English tongue.

3. It shall not be in their Power, to continue or make any Laws, to abridg any person from Trading unto any Parts beyond the Seas, unto which any are allowed to Trade, or to restrain Trade at home.

4. It shall not be in their Power, to continue Excize longer then twenty days after the beginning of the next *Representative*, nor to raise moneys by any other way, except by an equal rate, proportionally to mens real or personal Estates; wherein all persons not worth above thirty pound, shall be exempted from bearing any part of publike Charge, except to the poor, and other accustomed Charge of the place where they dwell.

5. It shall not be in their Power, to make or continue an Law, whereby mens Estates, or any part thereof, shall be exempted from payment of their Debts; or to continue or make any Law, to imprison any mans person for Debts of any nature.

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6. It

6. It shall not be in their Power, to make or continue any Law, for taking away any mans life, except for Murther, or for endeavoring by force, to destroy this *Agreement*; but shall use their uttermost endeavor, to propound punishments equal to Offences, That so mens Lives, Limbs, Liberties, and Estates, may not as hitherto, be lyable to be taken away upon trivial or slight occasion; and shall have special care, to keep all sorts of people from Misery and Beggery.

7. They shall not continue or make a Law, to deprive any person, in Case or Tryal, from the benefit of Witnesses, as well for, as against him.

8. They shall not continue the grievance and oppression of Tithes, longer then to the end of the first *Representative*; in which time, they shall provide for, and satisfie all Impropriators: Neither shall they force any person, to pay toward the maintenance of the publike Ministers, who out of Conscience cannot submit thereunto; but shall provide for them in some other unoppressive way.

9. They shall not continue or make a Law, for any other ways of Judgment or Conviction of Life, Liberty, or Estate, but onely by twelve sworn men of the Neighborhood.

10. They shall not continue or make a Law, to allow any person to take above six pound *per cent.* for loan of Money for a yeer.

11. They shall not disable any person from bearing any Office in the Common-wealth, for any opinion & practise in Religion, though contrary to the publike way.

Unto these I shall adde.

I. That the next *Representative*, be most earnestly
effed,

pressed, for the ridding of this Kingdom of those Vermin and Caterpillars, the Lawyers, the chief bane of this poor Nation; to erect a Court of Justice in every Hundred in the Nation, for the ending of all Differences arising in that Hundred, by twelve men of the same Hundred, annually chosen by Freemen of that Hundred, with expresse and plain Rules in *English*, made by the *Representative*, or supreme *Authority* of the Nation, for them to guide their Judgments by.

II. That for the preventing of Fraud, Thefts, and Deceits, there be forthwith in every County or Shire in *England*, and the Dominion of *Wales*, erected a County Record for the perfect Registering of all Conveyances, Bills, and Bonds, &c. Upon a severe and strict penalty.

III. That in case there be any need after the erection of Hundred Courts of Majors, Sheriffs, Justices of the Peace, Deputy Lieutenants, &c. That the People capable of Election of *Parliament men*, in the foregoing *Agreement*, be restored by the *Representative*, unto their native, just, and undoubted Right, by common Consent, from amongst themselves, annually to chuse all the fore-said Officers in such maner, as shall be plainly and clearly described, and laid down by the supreme *Authority* of the Nation: And that when any Subsidies or publike Taxes be laid upon the Nation, the Freemen of every Division or Hundred, capable of Election as aforesaid, chuse out Persons by common Consent from amongst themselves, for the equal division of their Assessments.

IV. That the next *Representative*, be earnestly desired to abolish all base Tenures.

FINIS.

them to guide their judgments by. Representatives or Supreme Authority of the Nation, for with experts and plain Rules in English, made by the Hundred, annually chosen by Freemen of that Hundred, arising in that Hundred, by twelve men of the same Hundred, for the ending of all Differences poor & rich, to erect a Court of Justice in every and County, the chief pane of this printed for the reading of this Kingdom of these Verities

County Record for the perfect Registering of all Con-
veyances, Bills, and Bonds, &c. Upon a severe and strict
Penalty.

to abolish the late Tenures.

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